

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GENEVA COLLEGE,

*Plaintiff,*

v.

ALEX M. AZAR II, in his official capacity  
as Secretary of the United States  
Department of Health and Human  
Services, *et al.*,

*Defendants.*

No. 2:12-cv-207-JFC

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR PERMANENT  
INJUNCTION AND DECLARATORY RELIEF**

Plaintiff Geneva College has moved for a permanent injunction and declaratory relief against federal regulations that required it to offer coverage of contraceptive services (“the Mandate”) or to comply with an accommodation process whereby its employees and students would receive coverage through Plaintiff’s health insurance issuer or third party administrator. *See* ECF No. 144. Although the Government does not agree with all of the statements and arguments in Plaintiffs’ motion for permanent injunction, the Government is not raising a substantive defense of the Mandate or the accommodation process with respect to Plaintiffs’ Religious Freedom Restoration Act (“RFRA”) challenge. The Government has concluded that requiring employers with sincerely held religious objections to comply with the Mandate or the accommodation process would violate RFRA.

The Government takes no position on whether permanent injunctive relief or declaratory relief is appropriate in this case. The injunctions in *Pennsylvania v. Trump*, No. 2:17-cv-04540-WB, 2017 WL 6398465 (E.D. Pa. Dec. 15, 2017), and *California v. Department of Health and*

*Human Services*, No. 4:17-cv-05783-HSG, ECF No. 105 (N.D. Cal. Dec. 21, 2017), do not purport to interfere with this case or other existing litigation challenging the prior rules. *See Pennsylvania*, 2017 WL 6398465, at \*21 (“A preliminary injunction will maintain the status quo: those with exemptions or accommodations prior to October 6, 2017 will maintain their status, those with injunctions preventing enforcement of the Contraceptive Mandate will maintain their injunctions, but those with coverage will maintain their coverage as well.”); Order Granting Plaintiffs’ Motion for A Preliminary Injunction at 29, *California*, No. 17-05783, ECF No. 105 (“This nationwide injunction does not conflict with the plaintiff-specific injunctions issued by the courts in the *Zubik* cases or any other case.”).

Respectfully submitted this 10th day of April, 2018,

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/s/ Michelle R. Bennett  
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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 10, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Michelle R. Bennett  
MICHELLE R. BENNETT